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FACSIMILE COVER SHEET

DATE: May 5, 2003

PLEASE DELIVER THE FOLLOWING TO:

NAME: Examiner Tara Mayo, Art Unit 3671

FIRM/COMPANY: Technology Center 3600
U.S. Patent and Trademark Office

NUMBER: 703-872-9326

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SPECIAL INSTRUCTIONS/COMMENTS:

APPLICANT: MASARU MIZUTANI

DOCKET: 6116.61001

SERIAL NO.: 09/933,517

EXAMINER: MAYO, TARA

FILED: 08/20/2001

ART UNIT: 3671

TITLE: POOL ON THE SEA USING DEEP-SEA WATER AND ITS SURROUNDING
FACILITIES**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TITLE: POOL ON THE SEA USING DEEP-SEA WATER AND ITS SURROUNDING
FACILITIESCommissioner for Patents
Box Non-Fee Amendment
Washington, DC 20231Gavin J. Milczarek-Desai
Durando Birdwell & Janke, PLC
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Tucson, AZ 85716

CERTIFICATE OF TRANSMISSION

I hereby certify that on the 5th day of May, 2003, this Amendment and Response is being transmitted via facsimile (703-872-9326) to the U. S. Patent and Trademark Office, Technology Center 3600, attention Examiner Tara Mayo.

By


ALICE VANICEK

TO THE COMMISSIONER OF PATENTS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

The following comments are submitted in response to Examiner Mayo's "statement on reasons for allowance" as they relate to the Interview Summary included in the Notice of Allowability mailed on 03/21/03.

In her reasons for allowance, the Examiner stated that "the prior art fails to teach or adequately suggest a pool structure floating on the sea and means for collecting and supplying deep seawater to the pool structure." However, in the Interview Summary that precedes these reasons, the Examiner also stated that "Applicant's representative agreed to cancel...claim 44 as being unpatentable over OTEC: Deep-Water-Supported Mariculture." To clarify the record, the applicant's representative wishes to comment that he agreed to cancel claim 44, but he did not intend to agree that claim 44 is unpatentable over OTEC.

As indicated on the Interview Summary form, no prior art was identified for discussion. Indeed, the Examiner simply mentioned during the interview that she had found a new reference (the "OTEC reference" cited in Paper No. 13) that she believed anticipated claim 44. Not having previously seen the OTEC reference and having just filed a Request for Reconsideration that prompted the Examiner's telephonic interview, the applicant's attorney decided to cancel claim 44 in order to obtain allowance of the case.

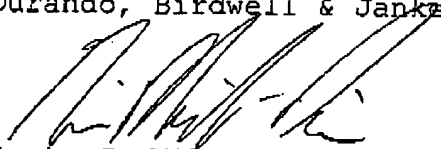
In other words, the undersigned attorney merely agreed to cancel claim 44 to facilitate the issuance of the majority of claims in present case (which the Examiner indicated were allowable during the interview), thereby deferring consideration of claim 44 until

after the OTEC reference could be reviewed and analyzed (should the applicant decide to proceed with a continuing application).

No fee is believed to be due with this submission. Should there be any unforeseen costs, please charge our Deposit Account No. 04-1935.

Respectfully submitted,

Durando, Birdwell & Janke PLC



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